

1
2 **So Ordered.**



Patricia C. Williams
Patricia C. Williams
Bankruptcy Judge

3 **Dated: August 20th, 2013**

4
5 UNITED STATES BANKRUPTCY COURT
6 EASTERN DISTRICT OF WASHINGTON

7 In re:

DC No. 12-CV-665-RMP

8 LLS AMERICA, LLC,

Case No. 09-06194-PCW11

9 Debtor(s).

10 BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Adversary No. 11-80298-PCW11

11 Plaintiff(s),

12 vs.

REPORT AND RECOMMENDATION
RE: PLAINTIFF'S MOTION FOR
ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANT ISAAC
HERNANDEZ-ALONSO (ECF NO.
60)

13 ISAAC HERNANDEZ-ALONSO, et
14 al.,

15 Defendant(s).

16
17 The Honorable Patricia C. Williams, sitting in the United States Bankruptcy
18 Court for the Eastern District of Washington, hereby files this Report and
19 Recommendation regarding plaintiff's Motion for Entry of Default Judgment Against
20 Defendant Isaac Hernandez-Alonso (ECF No. 60) filed with the bankruptcy court in
this adversary proceeding.

1 This Report and Recommendation is made pursuant to the Honorable Rosanna
2 Malouf Peterson's Order Withdrawing the Reference and Referring to Bankruptcy
3 Court for Further Proceedings entered on January 16, 2013 (ECF No. 2) in district
4 court case No. 12-CV-665-RMP.

5 The recommendation is that plaintiff's Motion for Entry of Default Judgment
6 Against Defendant Isaac Hernandez-Alonso (ECF No. 60) be granted and the attached
7 Default Judgment be entered in this adversary proceeding. The basis for this
8 recommendation is that an Order of Default was entered by the bankruptcy court on
9 July 17, 2013 (ECF No. 58).

10 ///END OF REPORT AND RECOMMENDATION///

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

In Re:

LLS AMERICA, LLC,

Debtor.

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America LLC,

Plaintiff,

v.

ISAAC HERNANDEZ-ALONSO, et al.,

Defendants.

US District Case No. 12-CV-071-RMP

Bankruptcy No. 09-06194-PCW11

Adversary No. 11-80298-PCW 11

**DEFAULT JUDGMENT AGAINST
DEFENDANT ISAAC HERNANDEZ-
ALONSO**

JUDGMENT SUMMARY

Judgment Creditor: Bruce P. Kriegman, solely in his capacity as the
Liquidating Trustee under the Confirmed Plan of
the Debtor

**Attorneys for
Judgment Creditor:** Witherspoon Kelley

DEFAULT JUDGMENT- 1

{S0746780; 1 }



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Attorneys & Counselors

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Judgment Debtor: Isaac Hernandez-Alonso

Principal Amount of Judgment: \$ 11,749.99 US

Interest on Judgment: Weekly Average of One-Year Constant Maturity (nominal) treasury yield as published by the Federal Reserve System (28 USC § 1961)

This Court having previously entered an Order of Default against Defendant Isaac Hernandez-Alonzo (Adv. Doc. No. 58), and having reviewed the previously filed Memorandum of Authorities (Adv. Doc. No. 53) and Affidavit of Curtis Frye (Adv. Doc. No. 54), and the Affidavit of Shelley N. Ripley in Support of Plaintiff's Motion for Default Judgment filed herewith, and being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC, shall have a judgment against the Defendant Isaac Hernandez-Alonso, as follows:

1. Monetary Judgment in the amount of \$11,249.99 USD, pursuant to 11 U.S.C. § 550 and RCW 19.40.071;

2. Transfers in the amount of \$11,249.99 made to the Defendant within four years prior to the Petition Filing Date are hereby avoided and Plaintiff may

DEFAULT JUDGMENT- 2

{S0746780; 1 }



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1 take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550,
2 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

3
4 3. All said transfers to Defendant Isaac Hernandez-Alonso are hereby
5 set aside and Plaintiff shall be entitled to recover the same, or the value thereof,
6 from Defendant Isaac Hernandez-Alonso for the benefit of the estate of LLS
7 America, pursuant to 11 U.S.C. §§ 544, 550 and 551;

8
9 4. A constructive trust is hereby established over the proceeds of all
10 transfers in favor of the Trustee for the benefit of the estate of LLS America; and
11

12 5. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of
13 \$250.00 USD, for a total judgment of \$11,749.99 USD, which shall bear interest
14 equal to the weekly average of one-year constant maturity (nominal) treasury
15 yield as published by the Federal Reserve System.
16

17
18 Entered this ____ day of _____, 2013.
19
20

21
22 HONORABLE ROSANNA PETERSON

23 *Presented by:*

24 WITHERSPOON • KELLEY

25 s/ Shelley N. Ripley

26 Shelley N. Ripley, WSBA No. 28901

27 Daniel J. Gibbons, WSBA No. 33036

28 Attorneys for Bruce Kriegman, Chapter 11 Trustee

DEFAULT JUDGMENT- 3

{S0746780; 1 }



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